

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Revenue Department – Allegation of corruption against Sri S.Venkunaidu, formerly Junior Assistant, O/o the M.R.O., Amudalavalasa Mandal, Srikakulam District (now retired) – Trapped by the Anti-Corruption Bureau on 08-10-1996 – A.O. convicted by the Trial Court on 10-03-2005 in C.C.No.06/1998 – Criminal Appeal No.511/2005 filed before the Hon'ble High Court – Judgment delivered by the Hon'ble High Court on 14-02-2012 in CrI.Appeal No.511/2005 duly setting-aside the Judgment of the Trial Court in CC No.6/1998 and conviction of the A.O. giving him benefit of doubt – Suspension period and the period of dismissal treated as “not on duty” – orders - Issued.

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REVENUE (VIGILANCE-VII) DEPARTMENT

G.O.Rt.No. 951

Dated: 25-06-2012.

Read the following:

1. From the D.G., A.C.B., Hyderabad, Letter Rc.No.126/RCT-VSK/96-S12, Dt.09-07-1997.
2. G.O.Ms.No.953, Revenue (Ser.IV) Department, Dt.10-11-1997.
3. From the D.G., A.C.B., Hyderabad, Letter Rc.No.126/RCT-VSK/96-S12, Dt.02-04-2005 together with the Judgment Dt.10-03-2005 in C.C.No.6/1998 of the Hon'ble Court of the Special Judge for A.C.B. Cases, Vishakapatnam.
4. Govt. Memo No.41014/Vig.VII(2)/2004-1, Dt.29-04-2005.
5. Proceedings No.1135/2005, Dt.06-05-2005 of the District Collector, Srikakulam.
6. From the D.G, A.C.B, Hyderabad, Letter Rc.No.126/RCT-VSK/1996, Dt.22-05-2012 together with a copy of the Judgment Dt.14-02-2012 of the Hon'ble High Court in Criminal Appeal No.511/2005.

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ORDER:

Whereas it has been brought to the notice that Sri S.Venkunaidu, Junior Assistant, Office of the Mandal Revenue Officer, Amudalavalasa Mandal, Srikakulam District was trapped by the Anti-Corruption Bureau officials on 08-10-1996, when he demanded and accepted illegal gratification of Rs.100/- as bribe from the complainant. On the said allegation and based on the recommendation made by the Director General, Anti-Corruption Bureau, through the reference 1st read above, Govt., after careful examination of the matter, have accorded sanction to prosecute the Accused Officer in a court of law through the reference 2nd read above. Accordingly, the Accused Officer was charge-sheeted in a court of law.

2. In the reference 3rd read above, the Director General, Anti-Corruption Bureau, has informed that the Hon'ble Court of the Special Judge for Anti-Corruption Bureau cases, Visakhapatnam has pronounced judgment on 10-03-2005 in C.C.No.6/1998 stating that the Accused Officer was found guilty of the charges framed against him under sections 7, 13(2) read-with section 13(1)(d) of the Prevention of Corruption Act, 1988 and he is convicted under section 248(2) Cr.P.C. The Accused Officer was sentenced to undergo Simple Imprisonment for one year and to pay a fine of Rs.1,000/- and in default to suffer Simple Imprisonment for one month for the charge under section 7 of the Prevention of Corruption Act, 1988 and he is also sentenced to undergo Simple Imprisonment for one year and to pay a fine of Rs.1,000/- in default to suffer Simple Imprisonment for one year for the charge under section 13(2) read-with section 13(1)(d) of the Prevention of Corruption Act, 1988.

3. The Government in the reference 4th read above have requested the District Collector, Srikakulam District to take necessary action against the Accused Officer for his dismissal from service as per Rule-25(i) of the A.P. Civil Services (CC&A)

P.T.O.

Rules, 1991 as he was convicted by the trial court. Accordingly, after considering the circumstances of the case and in as much as the Accused Officer was convicted by the trial court, the District Collector, Srikakulam has dismissed Accused Officer Sri S.Venkunaidu, former Junior Assistant, Office of the Mandal Revenue Officer, Amudalavalasa Mandal, Srikakulam District from service vide his proceedings 5th read above.

4. The Accused Officer has filed Criminal Appeal in the Hon'ble High Court. The Director General, Anti-Corruption Bureau, through the reference 6th read above has informed that the Crl.Appeal No.511/2005 filed by the Accused Officer Sri S.Venkunaidu, former Junior Assistant, Office of the Mandal Revenue Officer, Amudalavalasa (M), Srikakulam District (under orders of dismissal) in the Hon'ble High Court and the Hon'ble High Court by its order Dt.14-02-2012 has allowed the Crl.Appeal No.511/2005 and set-aside the Judgment of the Trial Court in C.C.No.6/1998 and also conviction of the Accused Officer by giving him the benefit of doubt. The Director General, Anti-Corruption Bureau has opined that it is not a fit case to prefer S.L.P. in the Hon'ble Supreme Court of India.

5. After careful examination of the entire matter keeping in view the orders Dt.14-02-2012 passed by the Hon'ble High Court in Criminal Appeal No. 511/2005 and in view of the opinion of the Director General, Anti-Corruption Bureau, stating that it is not a fit case to prefer S.L.P. in the Hon'ble Supreme Court of India, Government, have decided to treat the period of suspension and the period of dismissal which is treated to be deemed suspension as "not on duty" in as much as the conviction of the Accused Officer was set-aside by the Hon'ble High Court by giving him the benefit of doubt and as his suspension cannot be treated as "wholly unjustified".

6. Accordingly, Govt. hereby ordered to treat the period of suspension and the period of dismissal (deemed suspension) as "not on duty" in as much as the conviction of the Accused Officer Sri S.Venkunaidu, former Junior Assistant, Office of the Mandal Revenue Officer, Amudalavalasa (M), Srikakulam District was set-aside by the Hon'ble High Court by giving him benefit of doubt and as his suspension cannot be treated as "wholly unjustified". During the said period he will be entitled only to subsistence allowance. However, the said period shall count for notional increment, pay fixation, qualifying service for promotion, leave, etc.

7. The District Collector, Srikakulam District is requested to take necessary further action, accordingly.

8. This may please be treated as "Most-Immediate".

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri S.Venkunaidu, formerly Junior Assistant, O/o the Mandal Revenue Officer,
Amudalavalasa Mandal, Srikakulam District

through the District Collector, Srikakulam District.

The District Collector, Srikakulam District at **SRIKAKULAM**.

Copy to:

The Director General, Anti-Corruption Bureau, Andhra Pradesh, Hyderabad.

The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Hyderabad
Sf/Sc.

// Forwarded :: By Order //

SECTION OFFICER